

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DONALD ROGER BURR

Plaintiff,

VS.

BILL HILL, ET AL.

Defendants.

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NO. 3-05-CV-1539-D


ORDER

After conducting a review of the pleadings, files, and records in this case, and the findings and recommendation of the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1), and plaintiff's objections, the court concludes that the findings and recommendation of the magistrate judge are correct, and they are hereby accepted as the findings of the court. Although in his objections plaintiff offers evidence to support the assertion that he was injured in an automobile accident on November 22, 2005, and his evidence arguably supports the conclusion that medical and financial difficulties precluded him from traveling to Texas, his proof does not demonstrate that his injuries are so severe that he could not at least have advised the court of his current address and communicated his whereabouts to his lawyer. This court's dismissal order is not merely the result of plaintiff's failure to travel to Texas but of multiple failures to comply even with the most basic obligation that he communicate with his counsel and the court and participate in discovery that did not require his physical presence in Texas.

Accordingly, treating plaintiff's "appeal" and "objection" to the dismissal of this case as a Fed. R. Civ. P. 60(b) motion for relief from final judgment, the motion is denied.

SO ORDERED.

March 6, 2007.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE